

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY

PHILLIP G. EPPING, P.E.,

75

Petitioner,

NOTICE OF ENTRY  
OF JUDGMENT

v.

EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
AND LAND SURVEYORS, WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING,

Case No. 146-286

Respondent.

FILE COPY

PLEASE TAKE NOTICE that a judgment, of which a true and correct copy is hereto attached, was duly entered in the above action in the Circuit Court for Dane County, Wisconsin, on the 8th day of October, 1976.

Dated at Madison, Wisconsin, this 14th day of October, 1976.

BRONSON C. LA FOLLETTE  
Attorney General

LOWELL E. NASS  
Assistant Attorney General  
Attorneys for Respondent.

DJ-LS-14,1-74

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

PHILLIP G. EPPING,

Petitioner,

ADMISSION OF SERVICE

v.

EXAMINING BOARD OF ARCHITECTS,  
ET AL., Case No. 146-286  
Respondent.

SERVICE BY COPY OF Notice of Entry of Judgment

ADMITTED THIS 18<sup>TH</sup> day of October, 1976

BRONSON C. LA FOLLETTE  
Attorney General  
Attorney for Petitioner.

Petitioner,  
v. JUDGMENT

Case No. 146-285

EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
AND LAND SURVEYORS, WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING,

Respondent.

BEFORE: THE HON. MICHAEL B. TORPETH, JR.,  
Circuit Judge, Branch II

The above entitled review proceeding having come on for hearing before the Court on the 28th day of April, 1976, at the City-County Building in the City of Madison; and petitioner having appeared in person and by Attorney Richard J. Krueger of the law firm of Krueger and Leege; and respondent Board having appeared by Bronson C. La Follette, Attorney General, by Lowell E. Nass, Assistant Attorney General; and the Court having considered the matter upon the record and oral and written arguments of counsel, and the Court having August 11, 1976, filed its Memorandum Decision wherein Judgment is directed to be entered as hereinafter provided, now, on motion:

IT IS ORDERED AND ADJUDGED that the findings of fact, conclusions of law and order of respondent Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Wisconsin Department of Regulation and Licensing, dated March 21, 1975, suspending petitioner's certificate of registration as a professional engineer for sixty days be, and the same hereby is, affirmed in all respects.

Dated this 8 day of October, 1976.

BY THE COURT:

151 Michael B. Torpeth, Jr.  
MICHAEL B. TORPETH, JR.  
Circuit Judge

Filed  
10/8/76

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND LAND SURVEYORS (ENGINEERS' SECTION)

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IN THE MATTER OF THE ENGINEER'S LICENSE  
OF PHILLIP EPPING, RESPONDENT (E-9465).

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

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The above entitled proceeding having come on for hearing before the Engineers' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors at General Executive Office Facility No. 1, Madison, Wisconsin, on February 21, 1975, pursuant to notice of hearing containing the issues involved and charges to be considered, duly served upon the respondent, Phillip Epping, and respondent having filed answer on January 15, 1975, and having appeared in person and by his attorney, Richard J. Krueger, and the Engineers' Section of the Examining Board, represented by Lowell E. Nass, Assistant Attorney General, having heard the evidence presented by William Dusso, attorney, in support of said charges, and the evidence presented by respondent, in opposition thereto, and the Board having considered the pleadings, testimony, exhibits, arguments and proceedings herein, hereby makes and files its findings of fact, conclusions of law and order, constituting its decision in this matter.

### FINDINGS OF FACT

1. That Phillip G. Epping, respondent, whose post office address is 409 Park Avenue, Oconto, Wisconsin, is, and was at all times hereinafter mentioned, duly registered by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors under the provisions of Section 443.01, Wisconsin Statutes, as a professional engineer, Certificate No. E 9465;

2. That Riverview Courts, Inc. is a corporation duly organized and existing under the laws of the State of Wisconsin, and having its principal office and place of business at 211 Farnsworth Avenue in the City of Oconto, State of Wisconsin;

3. That in the latter part of the year of 1968, Riverview Courts, Inc. or its organizers desired to develop a parcel of real estate into a trailer court and to that purpose retained respondent as a professional engineer to perform professional services including laying out a water and sewer system, landscaping, setting grades and supervising construction;

4. That while retained by Riverview Courts, Inc. respondent was told by officers and agents of Riverview Courts, Inc. that said corporation desired to make an addition to said trailer court by purchasing at public auction, and developing, additional property adjoining said trailer court and described as "all of Part 3, Lot 4, 19-26N-22E, City of Oconto known as Mill Lot in Pecors Addition according to City Assessors Record and as

recorded in Volume 187 of Deeds, Page 161" and hereinafter referred to as the Belongia property and that officers of Riverview Courts, Inc. intended to bid an amount of \$3,500 for said property;

5. That the information concerning such addition to the Riverview Courts, Inc. trailer court was told to respondent in order that plans and specifications prepared by respondent would provide sewer and water taps for such future additions to the project;

6. That as late as September of 1973, an officer of Riverview Courts, Inc. told respondent that officers of Riverview Courts, Inc. were still interested in purchasing and developing said Belongia property;

7. That officers of Riverview Courts, Inc. never advised respondent that they had abandoned the plans to bid at public auction for said Belongia property;

8. That respondent never inquired, prior to November 28, 1973, of Riverview Courts, Inc., or any of its officer, whether said corporation or its officers had abandoned the plans to bid at public auction for said Belongia property;

9. That said Belongia property was offered for sale by public auction by the County of Oconto during November of 1973 and that respondent submitted a bid for said property on November 27, 1973, in the amount of \$3,505.05;

10. That respondent's bid of \$3,505.05 was the high bid in said auction and title to the Belongia property was transferred by quit claim deed from Oconto County to Epping Enterprises, Ltd., a land development corporation

organized and existing under the laws of Wisconsin with respondent as its president;

11. That Riverview Courts, Inc. submitted a bid to the County of Oconto for said Belongia property on November 26, 1973 in the amount of \$3,100;

12. That as a result of respondent's successful bid for and subsequent purchase of the Belongia property, Riverview Courts, Inc. is unable to develop and complete said addition to its trailer court project;

13. That respondent subsequently offered to sell said Belongia property to Riverview Court, Inc. for \$6,500.00; and

14. That respondent did not advise Riverview Courts, Inc. from December of 1972 through November 27, 1973, that he was organizing a land development corporation of which he was an officer.

#### CONCLUSIONS OF LAW

1. That respondent Phillip Epping, by using for his personal benefit, and to the detriment of Riverview Courts, Inc., such developmental and expansion information obtained by respondent while he was employed by Riverview Courts, Inc., concerning the Belongia property, did thereby fail to faithfully discharge his duties to and perform services for his client, Riverview Courts, Inc. in violation of A-E 4.02, Wis. Adm. Code, and respondent is therefore guilty of misconduct in the practice of professional engineering and he is subject to penalty as provided by sec. 443.01 (13) (a) 4, Stats. and A-E 4.003 (3) (a), Wis. Adm. Code; and

2. That respondent Phillip Epping, by using for his personal benefit, and to the detriment of Riverview Courts, Inc., such developmental and expansion information obtained by respondent while he was employed by Riverview Courts, Inc., concerning the Belongia property, did thereby engage in conduct which evidences a lack of trustworthiness to transact the business required by the profession and therefore is guilty of misconduct in the practice of professional engineering within the meaning of A-E 4.003 (3) (a), Wis. Adm. Code, and respondent Phillip Epping is thereby subject to penalty as provided by sec. 443.01 (13) (a) 4, Stats.

#### O R D E R

IT IS ORDERED, that the certificate of registration, number E 9465, of respondent Phillip Epping to practice engineering in Wisconsin be and the same hereby is suspended for 60 days, said suspension to take effect 30 days from the date of service of this order by certified mail.

Let a copy of these findings of fact, conclusions of law and order be served by certified mail upon Phillip Epping and upon his attorney, Richard Krueger.

Dated this 21 day of March, 1975.

EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
AND LAND SURVEYORS

BY:

John E. Callan